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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No	EV452773015US
Application Number	09/717,057
Filing Date	November 21, 2000
First Named Inventor	Brines et al.
Group Art Unit	1647
Examiner Name	DeBerry, Regina M.
Attorney Docket No.	10165-010-999

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other List of References Cited by Applicant, copies of references FA and FB

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months.
(Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other Revocation and Power of Attorney

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Jones Day Deposit Account No. 50-3013:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 770.00
- ii. ☒ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ 1480.00 for a 4 month extension, the request for which is being made herewith
- iii. ☐ Other
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Laura A. Coruzzi	Registration No. (Attorney/Agent)	30,742
Signature	<i>Laura A. Coruzzi</i> <i>St. Joseph P. Cahill</i> Reg No. 51,523	Date	August 16, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner For Patents, P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450, or by facsimile transmitted to fax no. 1-703- _____ to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)		Registration No. (Attorney/Agent)	
Signature		Date	

+ Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450.

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RCE #
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EXPRESS MAIL No.: EV452773015US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.* Confirmation No.: 5119
Application No.: 09/717,057 Art Unit: 1647
Filed: November 21, 2000 Examiner: DeBerry, Regina M.
For: MODULATION OF EXCITABLE TISSUE Attorney Docket No.: 10165-010-999
FUNCTION BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

SUBMISSION AND AMENDMENT UNDER 37 C.F.R. § 1.114

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated April 5, 2004, and in accordance with Rule 114 of the Rules of Practice, please enter the following amendments and consider the following remarks. Enclosed herewith is: 1) a Request for Continued Examination; 2) a Petition for Extension of Time for filing a Brief on Appeal for a period of four (4) months from April 14, 2004 up to and including August 14, 2004 with appropriate fees; 2) a Supplemental Information Disclosure Statement; 3) a List of References Cited by Applicant; 4) Copies of references FA-FB; and 5) a Revocation and Power of Attorney. Applicants respectfully request that the amendments and remarks made herein be entered into the record of the instant application.

Amendments begin on page 2 of this paper.

Remarks begin on page 4 of this paper.